

## **REMARKS**

### **I. Status of the Claims**

Claims 18 – 22 and 25 - 45 are pending in this application. Claims 18-29 and 38 have been amended to more clearly define the amount of sensory fragrance in the personal care composition as ranging from about 0.1% to about 10% by weight. Support for the amendment can be found in the Specification, at least at page, 4, lines 9-11. Accordingly, no new matter is introduced by this Amendment.

### **II. The Rejection In view of United States Patent No. 6,524,626**

The Examiner has rejected claims 18 – 22 and 25 – 37 as being unpatentable under United States Patent No. 6,524,626 to Chen (“Chen”). Applicants disagree for the reasons that follow and set forth in the Amendment filed January 22, 2004.

Chen is directed to a ginseng berry extract-containing composition that may additionally contain ingredients such as orange or rose. See Chen, column 4 to column 17. However, as discussed in the Amendment filed January 22, 2004, Chen neither discloses nor suggests a method of soothing or a reduction of cortisol and/or increased sIgA levels.

In response to Applicants’ argument, the Examiner argues that since “applicant has not defined in the claims what is considered an effective amount, it is the position of the examiner that any amount of the sensory fragrance in the composition can elicit the claimed action.”

As amended, claims 18-29 and 38 define the amount of sensory fragrance in the personal care composition as ranging from about 0.1% to

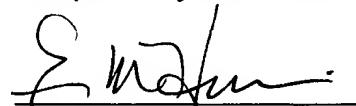
about 10% by weight. All of the compositions disclosed by Chen contain greater than 10% by weight of a perfume ingredient. Accordingly, Chen fails to teach or suggest Applicants claimed methods. Applicants, therefore, respectfully submits that the rejection of claims 18 – 22 and 25 – 37 as being unpatentable under 35 USC §103 over Chen has been overcome and should be withdrawn.

### III. Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-521/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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